

EX PARTE OR LATE FILED



DOCKET FILE COPY ORIGINAL

RECEIVED

OCT 29 1997

October 24, 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William Kennard
Chairman Designate
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

97-192
Ex Parte Letter Re: Cases WT-97-197, MM Docket 97-182 and
DA 96-2140

Dear Mr. Kennard:

I have been involved in telecommunications, cable and zoning issues with my City for the past nine years. I believe that it is not necessary for the FCC to preempt local authority because cities can work with the industry to come up with uniquely local solutions to any zoning problem. Local jurisdictions are in need of help from the FCC and like federal agencies rather than preemption because local communities, building conditions, weather, concerns, needs and interests are too diverse for a national policy on construction of anything but state highways. Let me give you an example of how local discussion can be of benefit to providers of telecommunications and ultimately any vendor who wishes to do business in an area.

In Springfield, Missouri, we recently passed a cellular tower ordinance that was written with input from all local users of tower space and owners of that space. We came up with ideas to create additional antenna space on existing structures that had previously not been available because of zoning restrictions. Now, providers have the choice of building a tower or using an existing structure. Although our first meeting involved over fifty providers with many concerns and complaints about our draft ordinance, the night of the public hearing before Council not one person spoke in opposition. This was because we listened and acted to preserve local interests of tower users, owners and adjacent property owners. Our ordinance will be unique to our community and this is what works best for communities.

There is also no need to stifle public comment at tower public hearings. Only by listening to everyone's thoughts can the best ordinance or action be taken. The First Amendment requires that government listen and not prevent speech. However, in one of the proceedings before the FCC, citizens will be prohibited from

CC Central

Signed To: *John R. Ruff*

10-28-97 -840 BOONVILLE AVENUE, P.O. BOX 8368 SPRINGFIELD, MISSOURI 65801-8368

(417) 864-1645 FAX 864-1551

LAW DEPARTMENT

File of City of Springfield
6


mentioning radiation from towers. Why? This is not necessary as long as the local government does not act on this input illegally. The right of free speech is one of our most important ones, and I would ask that the FCC do nothing to stifle that right.

With respect to broadcasting towers, there is no pressing National emergency such as a war that would justify rushing safety concerns of our citizens and requiring "pocket approvals" of any application for any structure if a city or county cannot review that in a timely fashion. The luxury of better television viewing can wait on discussions of health, safety and environmental concerns. Adjacent property owners have rights regarding the value of their property, the safety to themselves and to speak out at public hearings. Arbitrary time lines take away those individual rights. Our nation should not put entertainment ahead of the value of individual citizens and their wants and health. Cancer or other risks should never be used as a measure of what is or is not acceptable for deployment of technology. We are better than this as a people and a country and I ask that the FCC conduct itself and use its authority to reflect just what kind of nation we are.

I also ask that the FCC make itself available as a resource to assist cities and counties in drafting appropriate ordinances for that locality. I am willing to assist the FCC in any way I can to develop the dialogue and find the solutions.

Thank you in advance for your consideration of my thoughts.

Sincerely,



Nancy K. Yendes
Assistant City Attorney

cc: Mr. William F. Caton
Acting Secretary
Federal Communications Commission (6 copies)
1919 M Street, NW
Washington, DC 200554

[see attached list for carbon copies]

List of Copies

Commissioner Designate Harold Furchtgott-Roth
1919 M Street, 8th Floor
Washington, DC 20554

Commissioner Designate Michael Powell
1919 M Street, 8th Floor
Washington, DC 20554

Commissioner Designate Gloria Tristani
1919 M Street, 8th Floor
Washington, DC 20554

Commissioner Susan Ness
1919 M Street, 8th Floor
Washington, DC 20554

Shaun A. Maher, Esq.
Policy & Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street
Washington, DC 20554

Mr. Keith Larsen
Assistant Bureau Chief for Engineering
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington, DC 20554

Ms. Susanna Swerling
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington, DC 20554

Ms. Rosalind Allen, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street
Washington, DC 20554

Mr. Dan Phythyon
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street
Washington, DC 20554

Mr. Roy J. Stewart
Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington, DC 20554

Ms. Barrie Tabin
Legislative Counsel
National League of Cities
1301 Pennsylvania Ave, NW
6th Floor
Washington, DC 20004

Ms. Eileen Huggard
Executive Director, NATOA
1650 Tysons Boulevard, Suite 200
McLean, VA 22102-3915

Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
440 First Street, NW, 8th Floor
Washington, DC 20001

Mr. Kevin McCarty
Assistant Executive Director
U.S. Conference of Mayors
1620 Eye Street, 4th Floor
Washington, DC 20006

Ms. Cheryl Maynard
Government Affairs Coordinator
American Planning Association
1776 Massachusetts Ave. NW, 4th Floor
Washington, DC 20036

U.S. Senators

J.S. Sen. Christopher S. (Kit) Bond

J.S. Senator John Ashcroft

U. S. Representative

J.S. Rep. Roy Blunt

Senators & Representatives

Local Address/Phone #

**1736 E. Sunshine, Rm. 705, 65804
417- 881-7068**

**1736 E. Sunshine, Rm. 705, 65804
417- 881-7068**

**2740 E. Sunshine, 65804
Phone: 417-889-1800**

Capitol Address/Phone

**293 Russell Senate Office
Washington, D.C. 20510
202-224-5721**

**170 Russell Senate Office
Washington, D.C. 20510
202-224-6154**

**508 Cannon House Bldg.
Washington, D.C. 20515
Phone: 202-225-6536
FAX: 202-225-5604**